

1
2
3
4
5
6
7
8
The Honorable Marc Barreca
Chapter 11
EX PARTE

9
10
11
12
13
14
UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re

NO. 10-23756

MERIDIAN TRANSPORTATION
RESOURCES, LLC, a Washington limited
liability company,

EX PARTE MOTION FOR ORDER
AUTHORIZING AND DIRECTING JOINT
ADMINISTRATION OF CASES

Debtor.

15 Meridian Transportation Resources, LLC, the debtor and debtor-in-possession herein (the
16 “*Debtor*” or “*MTR*”) Meridian Transportation Resources (California), LLC (“*MTR CA*”),
17 Meridian Transportation Resources (Canada), LLC (“*MTR Canada*”), MTR Leasing, LLC
18 (“*MTR Leasing*”), and Geogenius, LLC (“*Geogenius*”) (MTR, MTR CA, MTR Canada, MTR
19 Leasing, and Geogenius are referred to collectively as the “*MTR Entities*.”), through their
20 undersigned counsel, move for an order directing the joint administration of the MTR Entities’
21 bankruptcy cases with that of Frederick D. Berg under Case No. 10-18668-KAO. In support of
22 this Motion, the MTR Entities respectfully state as follows:

23
24
25 **1) FACTUAL BACKGROUND**

26 On August 19, 2010, the Court entered an order (the “*Appointment Order*”) appointing
27 Diana K. Carey (“*Trustee*”), as the Chapter 11 Trustee over the Bankruptcy Estate of Frederick
28

EX PARTE MOTION FOR ORDER AUTHORIZING AND
DIRECTING JOINT ADMINISTRATION OF CASES - 1
#775315 v1 / 40572-001

Law Offices
KARR TUTTLE CAMPBELL
A Professional Service Corporation
1201 Third Avenue, Suite 2900, Seattle, Washington 98101-3028
Telephone (206) 223-1313, Facsimile (206) 682-7100

1 Berg. Berg is the sole shareholder or member respectively of each of the MTR Entities. On
2 August 25, 2010, the Court entered an order ratifying the transfer of control of the MTR Entities
3 (among other business entities) to Trustee. Since that time, Trustee has been working to
4 administer Berg's Estate for the benefit of creditors. During the course of her administration the
5 Trustee has determined that selling the MTR Entities as a going-concern represents the highest
6 value to Berg's Estate. As the manager of each of the MTR Entities, the Trustee caused them to
7 each file voluntary petitions for relief under Chapter 11 of the United States Bankruptcy Code
8 (the "***Reorganization Cases***") on November 15, 2010. The MTR Entities are currently operating
9 their businesses and managing their assets as debtors-in-possession pursuant to §§ 1107(a) and
10 1108 of the Bankruptcy Code. However, the Trustee has conferred with the U.S. Trustee's
11 Office and the MTR Entities have filed a motion for an order directing the appointment of a
12 Chapter 11 Trustee for each of the MTR Entities contemporaneously with the filing of this
13 Motion.

17 **2) LEGAL ANALYSIS AND AUTHORITY**

18 In order to administer the pending Reorganization Cases optimally and economically, such
19 cases should be jointly administered, at present for procedural purposes only, under the case
20 number assigned to Berg. Pursuant to Bankruptcy Rule 1015(b), "[i]f ... two or more petitions
21 are pending in the same court by or against ... (4) a debtor and an affiliate, the court may order a
22 joint administration of the estates." Fed. R. Bankr. P. 1015(b). Local Bankruptcy Rule 1073-1
23 provides that a motion for joint administration of cases shall be filed in accordance with Local
24 Bankruptcy Rule 9013-1.
25
26
27
28

1 11 U.S.C. § 101(2)(D) defines “affiliate” as an “entity that operates the business or
2 substantially all of the property of the debtor under an ... operating agreement.” Each of the
3 MTR Entities is involved in the same enterprise (a luxury bus charter company) and were, prior to
4 Berg’s personal bankruptcy filing, controlled by the same individual.

5 Many of the motions, hearings and orders that will arise in the Reorganization Cases will
6 jointly affect each of the debtors. By jointly administering the Reorganization Cases, the debtors
7 will be able to reduce fees and costs resulting from the administration of these cases and ease the
8 onerous administrative burden of having to file multiple and duplicative documents. This Court
9 also will be relieved of the burden of entering duplicative orders and maintaining duplicative files.
10 Finally, supervision of the administrative aspects of the Reorganization Cases by the Office of the
11 United States Trustee will be simplified.

12 Based on the foregoing, the joint administration of the Reorganization Cases is in the best
13 interests of the Berg Estate, the estates of each of the MTR Entities, their creditors, equity
14 security holders and all parties in interest. Accordingly, the MTR Entities request that the caption
15 of the Reorganization Cases be modified to reflect the joint administration of such cases.

16 An order of joint administration relates to the routine administration of a case and may be
17 entered by the court in its sole discretion. Moreover, the entry of joint administration orders in
18 multiple related cases such as these is common and generally non-controversial. *See In re*
19 *Parkway Calabasas Ltd.*, 89 B.R. 832, 836 (Bankr. C.D. Cal. 1988) (“Joint administration ... is
20 common for cases involving two or more affiliated corporations or other related entities that have
21 filed bankruptcy cases. Joint administration typically involves the appointment of a single trustee
22 to administer the related cases, the maintenance of a single case file, claims register and docket in
23
24
25
26
27
28

1 the clerk's office and the combining of notices concerning the estate."); *See also In re Lone Eagle*
2 *Resorts, Inc.*, Case No. 06-40912 (Bankr. W.D. Wash. June 29, 2006); *In re Magnolia Energy*
3 *L.P.*, Case No. 06-11069 (Bankr. D. Del. Oct. 4, 2006); *In re Radnor Holdings Corp.*, Case No.
4 06-10894 (Bankr. D. Del. Aug. 23, 2006); *In re Three A's Holdings, L.L.C.*, Case No. 06-10886
5 (Bankr. D. Del. Aug. 22, 2006); *In re Werner Holding Co. DE, Inc.*, Case No. 06-10578 (Bankr.
6 D. Del. June 13, 2006).

7
8 For all of the foregoing reasons, the MTR Entities respectfully request the immediate entry
9 of an order providing for the joint administration of Berg's and the Reorganization Cases pursuant
10 to Rule 1015(b).

11 **3) CONCLUSION**

12
13 WHEREFORE, the MTR Entities respectfully request that the Court enter an order (i)
14 authorizing the joint administration of the Reorganization Cases under the case number assigned
15 to Berg (10-18668-KAO) and (ii) granting such other relief as the Court deems just and proper.

16
17 DATED this 15th day of November, 2010.

18
19 KARR TUTTLE CAMPBELL

20
21 By: /s/ George S. Treperinas
22 George S. Treperinas, WSBA #15434
23 Stephen S. McKay, WSBA #42046
24 Attorneys for Meridian Transportation
25 Resources, LLC